



INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY

Instructions

As required by Senate Enrolled Act No. 492, effective July 1, 2009, and codified at IC §32-30-10.5-8, for mortgage foreclosures filed after June 30, 2009, creditors must take the following actions:

1. Send a “pre-suit” notice in the form prescribed by the Indiana Housing and Community Development Authority (the “Authority”) to the debtor, by certified mail;
2. The Authority has prescribed a pre-suit notice that comprises two pages, to be prepared and assembled as follows:
 - reproduce the two pages onto one double-sided page on standard white, 8 ½ by 11” paper;
 - the front of the page must display the Notice “Get Help. Get Hope”;
 - the back side of the page must display the statutory “Notice Required by Indiana Law”;
 - (collectively these pages are referred to as the “Pre-Suit Notice”); and
 - omit any other creditor communication that might cause an “unsophisticated consumer” to be misled about the purpose of the Pre-Suit Notice or the affiliation between the creditor and the Authority.
3. Creditors must complete the Pre-Suit Notice by inserting:
 - street address of the mortgaged property;
 - name of the debtor as it appears on the mortgage and note;
 - name of the creditor that holds the mortgage; and
 - date on which the Pre-Suit Notice was served.
4. The Pre-Suit Notice must be sent to the address of the mortgaged property, or the last known mailing address of the debtor if creditor’s records show the debtor’s mailing address is other than the mortgaged property address.
5. With certain exceptions stated in the statute, creditors may not file an action for foreclosure on or after July 1, 2009, until at least thirty (30) days after sending the debtor the completed Pre-Suit Notice by certified mail.
6. With certain exceptions, creditors that file an action for foreclosure on or after July 1, 2009, shall include with the complaint served on the debtor a “settlement conference” notice in the form prescribed by the Authority.
7. The Authority has prescribed a settlement conference notice (“Settlement Conference Notice”) that is one-page, to be prepared on standard white, 8 ½ by 11” paper, and assembled as follows:
 - includes the Cause No. for the action, if known (as a courtesy, creditors may resend the Settlement Conference Notice to the debtor once it is known);
 - insert name of debtor in line indicating “Printed Name;” and
 - omit any other creditor communication that might cause an “unsophisticated consumer” to be misled about the purpose of the Notice and the affiliation between the creditor and the Authority.